

APR 10 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

DANIEL FLOYD BARTLETT,

Defendant - Appellant.

No. 05-10371

D.C. No. CR-04-01220-EHC

MEMORANDUM^{*}

Appeal from the United States District Court
for the District of Arizona
Earl H. Carroll, District Judge, Presiding

Submitted April 5, 2006^{**}

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Daniel Floyd Bartlett appeals from his guilty-plea conviction and 30-month sentence for transportation of illegal aliens for profit, in violation of 8 U.S.C. §§ 1324(a)(1)(A)(ii) and (a)(1)(B)(i).

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} This panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

Bartlett's attorney has moved to withdraw pursuant to *Anders v. California*, 386 U.S. 738 (1967), on the ground that the appeal presents no arguable issues. Bartlett has submitted a pro se supplemental brief.

Because our review of the briefs submitted and our independent review of the record pursuant to *Penson v. Ohio*, 488 U.S. 75, 82-83 (1988), indicate that Bartlett knowingly and voluntarily waived his right to appeal, and was sentenced within the terms of the plea agreement, we enforce the waiver and dismiss the appeal. *See United States v. Nguyen*, 235 F.3d 1179, 1182 (9th Cir. 2000) (stating that an appeal waiver is valid when it is entered knowingly and voluntarily).

Counsel's motion to withdraw is **GRANTED**, and the appeal is **DISMISSED**.